

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13791, of Carol R. Raper, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exceytion under Paragraph 3101.48 to continue to operate a parking lot as customer parking in a C-2-A and R-3 District at the premises, rear of 2130-54 Wisconsin Avenue, N.W., (Square 1300, Lots 326, 876 and 916).

HEARING DATE: July 14, 1982

DECISION DATE: July 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the south side of W Place west of Wisconsin Avenue to the rear of premises known as 2130-2154 Wisconsin Avenue, N.W. It is zoned R-3.

2. The property has been operated as a parking lot to serve the customers and employees of Theodore's Furniture Inc. which is located in the adjacent C-2-A District since 1969. Prior to that time the lot served a food store which formerly occupied the premises. The use was last approved by the Board for a period of two years in Order No. 13252, dated September 22, 1980.

3. The subject parking lot contains approximately fifty spaces. It is open for customers of the store at all hours that the store is open. The store is presently open seven days a week, with varying hours. Access to the lot is by way of a driveway from W Place. There is also an exit directly to Wisconsin Avenue.

4. The applicant proposes to continue the use of the lot as parking for customers and employees of Theodore's Furniture.

5. The Board's prior Order No. 13252 approved the continuation of the parking lot with a capacity of thirty-five spaces for two years subject to nine conditions. One of the conditions required the applicant to resurface and reline the lot. The applicant testified that, subsequent to resurfacing and relining, the lot's parking capacity has increased by fifteen additional spaces, for a total of fifty spaces. The lot is not landscaped.

6. The applicant testified that there have been no complaints regarding the operation or maintenance of the lot. The lot is cleaned on a daily basis.

7. There is no evidence to suggest that the operation of the lot has created any dangerous or objectionable traffic conditions.

8. The lot is illuminated by flood lights attached to the adjacent commercial building. The applicant testified that the illumination is confined to the surface of the lot.

9. The lot is located within 200 feet of a C-2-A District.

10. The Department of Transportation, by memorandum dated June 3, 1982, noted that the lot is used by customers of adjacent businesses and it is clean and in good condition. The DOT had no objection to the continuation of the parking lot use.

11. Advisory Neighborhood Commission 3B made no recommendation on the subject application.

12. There was no opposition at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.48 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied, and that the parking lot meets the criteria set forth. The Board concludes that the parking lot is adjacent to and within 200 feet of a commercial district, is reasonably necessary and convenient to the neighborhood, and is not likely to become objectionable because of noise, traffic or other objectionable conditions as evidenced in Finding of Fact Nos. 4, 6, 7, 8 and 9.

The Board further concludes that the applicant has complied with the conditions imposed by the previous order. The D.C. Department of Transportation has reviewed the application and has no objection to the continued use of the lot as noted in Finding of Fact No. 10.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the Board's prior Order, namely from September 22, 1982.
- b. The parking shall be limited to the employees and customers of the commercial establishments fronting on Wisconsin Avenue.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Charles R. Norris, Connie Fortune, William F. McIntosh, Douglas J. Patton and Lindsley Williams to GRANT).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: OCT 12 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.